

The Madison County Plan Commission on the above date at 9:00 A.M. with Wesley Likens, Acting as, President, presiding.

Members Present: Wesley Likens, Paul Wilson, Phil Isom, Larry Crenshaw, John Simmermon, Mark Gary and John Orick.

Members Absent: Patrick Manship

Also Present: Bill Maxwell, Interim Director, Judy King, Plan Review, and Elizabeth Bruns, Secretary

Current Business

1. Roll call was taken with one member, Pat Manship, being absent.
2. The minutes of the preceding meeting were distributed to each member prior to the meeting. Member Wilson made a motion to approve the minutes. Member Gary seconded the motion. The vote was unanimous in favor of the motion.

New Business

1. Petition: 2010-W-011 Zoned: AG
Address: 10010 South 50 West, Pendleton
Location: Southeast corner of CR-50 West and CR-1000 South, Fall Creek Township
Petitioner: Spiritual Enterprises II, LLC property owner, Chuck Clevenger, petitioner
Request: Waiver of Subdivision Control Ordinance to legally establish a 1264.47 square foot building located 45.2 feet from the right-of-way of CR-50 West (minimum 100 foot front setback required)

Richard Ward, Surveyor representing the petitioners. This is an existing church facility that we are proposing to put into a two lot administrative plat. We are asking for a waiver because the building is located closer than the 100-foot setback requirement.

Mr. Maxwell briefed the Board on the request to legally establish a 1264 square foot building being used as a church located 45.2 feet from the right-of-way of CR 50 West, which requires a minimum 100-foot setback. All three tracts are zoned agriculture.

The Board expressed concerns regarding the safety issues involved in approving this waiver so close to the road and issues of being able to rebuild in the same footprint if less than 40% was destroyed.

After a lengthy discussion between the Board Members, Plan Commission Attorney Shine, Richard Ward, Bill Surbaugh and Mr. Carmichael; Member Wilson made a motion to continue this petition until the October meeting, seconded by Member Orick. Vote was six Yes in favor of the motion, and no vote from Member Gary, who stepped out of the Board Room for a short time. **Petition 2010-W-011 Continued.**

2. Petition: 2010-W-012 Zoned: AG
Address: 10425 North 300 West, Alexandria
Location: West side of CR-300 West approximately ½ Mile North of CR-1000 North
Petitioner: Kenton Hosier, by Richard E. Ward, Land Surveyor
Request: Waiver of the Subdivision Control Ordinance to provide for a 3.133-acre lot with no road frontage allowing access thru an ingress/egress Easement on adjoining property to the north (minimum road frontage to be 50 percent of the lot width).

Richard Ward, Surveyor representing the petitioners. This petition involves two properties that are side by side and are owned by brothers. They want to sell the farm and leave the existing tract of ground where they live platted. Kendrick has more land than this. The issue we are addressing today is for a waiver of the road frontage requirement. April McClead owns the property to the east of the property in question, there is an existing driveway that has been there forever. The legal description for ingress and egress was never established very well in written word. It has been used for a driveway for as long as they can remember. It will be easier to create the 50' easement on the other brother's property and run it into Mr. Hosier's property.

Mr. Maxwell stated that this request is a wavier to provide for a 3.133 acre lot with no road frontage and allowing access to the ingress/egress easement on the adjoining property to the north, which requires minimum road frontage to be 50% of the lot width.

Member Wilson asked, so with a waiver and recorded easement that would make this a permanent access to that lot?

Mr. Ward replied that is correct.

Phil Decker represents the McClead's and stated that they have no objections to the Hosier's creating an ingress/egress easement to the north of their property.

Member Wilson made a motion to approve per staff recommendations, seconded by Member Crenshaw. Vote was unanimous in favor of the motion. **Petition #2010-W-012 Approved Per Staff Recommendations.**

STAFF RECOMMENDATIONS For 2010-W-012

- ◇ The subject site is an 18.896-acre parcel located along the west side of CR 300 West in Pipe Creek Township, just north of CR-1000 North, improved with a single-family dwelling plus three accessory structures. This request would provide for 3.133 acre proposed split via the Administrative Plat process. Currently this parcel has no road frontage however; access is acquired, via driveway, through the east parcel fronting CR-300 West, key number 11-0037-1-024. The Comprehensive Plan recommends agricultural development for this site and is surrounded by AG-zoned property.
- ◇ *The Madison County Land Use & Development Code* describes the agriculture (AG) district as an area primarily for agriculture purposes; with the intent to promote and protect agricultural uses while providing limited low-density residential development. The immediate area around the subject site is dominated by farming operations.
- ◇ The site plan indicates a proposed split with access coming from an ingress/egress easement created from the property immediately to the north, belonging to Petitioner's brother. The remainder 15.763 acres is to be conveyed to the property owner to the north Staff supports creation of this split with the ingress/egress easement which will

clean up what exists now. Further, this is consistent with the development pattern of the area and would not pose a hazard to the surrounding property owners nor would it lower property values.

FINDINGS OF FACT:

1. ***Would the approval be detrimental to the public safety, health, or general welfare?***
No. Staff cannot identify any potential hazards by granting this request.
2. ***Would the approval of this petition be injurious to the reasonable use and development of other property?***
No. The property is and would continue to be used for agriculture and residential purposes.
3. ***Are the conditions of this request unique to this specific property, which would not be applicable to other property?***
No; however, the intent of the zoning district to which it is located is being maintained.
4. ***Would the strict application of the regulations of the ordinance result in a practical difficulty in the permitted use of the property?***
No. The property could still be used for agricultural and residential purposes.
5. ***Would approval of this request contradict the intent of the Comprehensive Plan?***
No. This proposal is consistent with the Comprehensive Plan as well as the development pattern of the immediate area.

Miscellaneous

1. Discussion held in regards to job performance including salary range and other matters for hiring a new Planning Director.
2. Motion made to nominate John Orick to be the acting Vice President of the Plan Commission through this transition, seconded by Member Isom. Motion carried.

Member Wilson made a motion to adjourn, seconded by Member Simmermon.

ADJOURNMENT: 10:46:23

Wesley Likens, Acting President

Elizabeth Bruns, Board Secretary

